

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JOSEPH FOLEY and MELISSA FOLEY,)	
Individually and as Personal Representatives)	
of the Estate of JOSEPH PARKER FOLEY,)	
Plaintiffs,)	
)	
vs.)	C.A. No. 1:21-CV-10615-AK
)	
JOHN BLAKE and DUXBURY)	
PUBLIC SCHOOLS,)	
Defendants.)	

**UNOPPOSED MOTION TO IMPOUND OF DEFENDANT
DUXBURY PUBLIC SCHOOLS**

Pursuant to Fed. R. Civ. P. 5.2 and D. Mass. Local Rules 7.2(a) and 83.6.11(b)(4), Defendant Duxbury Public Schools (“DPS”) hereby moves to redact portions of its Opposition to Plaintiffs’ Motion to Compel Deposition of Daniel Kenney as well as one exhibit attached thereto, which relates to his medical conditions. DPS’s Opposition is scheduled to be filed on or before June 24, 2022. DPS intends to file the Opposition on or before June 22, 2022, pending allowance of this Motion. Good cause exists to grant this motion for the following reasons:

1. On September 20, 2021, the parties submitted a Stipulated Protective Order to the Court to address the handling of confidential material that would almost certainly be exchanged through the course of discovery in this matter. That same day, this Court (Burroughs, J.) endorsed the Stipulated Protective Order and converted it into a Court Order. [ECF No. 24].
2. The Court Order permitted either party to designate materials as “confidential.” [ECF No. 24 at ¶ 2].

3. Pursuant to the Court Order, in the event a party wishes to file a document or make reference to the specific contents of a document deemed confidential, that party is required to file a Motion to Impound. [ECF No. 24 at ¶ 8]
4. On May 24, 2022, and pursuant to the Court Order, DPS designated in writing as confidential a letter from Mr. Kenney's physician.
5. DPS intends to attach a copy of Mr. Kenney's physician's letter to its Opposition to Plaintiffs' Motion to Compel Deposition of Daniel Kenney, as well as make reference to the contents of that document within the text of its opposition. Such redaction will be minimal and narrowly aimed at protecting confidential information.
6. Additionally, D. Mass. Local Rule 83.6.11(b)(4) provides that the Court may protect and file under seal "[a]ny matters of a highly personal or private nature." Mr. Kenney's medical information qualifies as such.
7. Pursuant to Local Rule 7.2(a), DPS requests that the material be impounded until further order of the Court.
8. The undersigned has conferred with counsel for all parties, who have indicated they do not oppose this motion.

WHEREFORE, Defendant DPS respectfully requests that the Court grant its Motion to Impound.

Respectfully submitted,

The Defendant,

DUXBURY PUBLIC SCHOOLS,

By its Attorneys,

PIERCE DAVIS & PERRITANO LLP

/s/ John J. Davis

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Dated: June 21, 2022

CERTIFICATE OF SERVICE

I hereby certify that the foregoing, filed through the Electronic Case Filing System, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and that a paper copy shall be served upon those indicated as non-registered participants on June 21, 2022.

/s/ John J. Davis

John J. Davis, Esq.